

Office of the Chapter 13 Standing Trustee

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June 18, 2024

The Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

RE: Case No. 23-16360 (ABA)
Debtor(s) Name: Dennis and Gretchen Jones

Dear Judge Altenburg,

Please accept this letter in lieu of a more formal objection to the Application for Compensation filed by Brad J. Sadek, Esquire, in the above-referenced bankruptcy matter. The Trustee requests a hearing be set on this matter.

The Disclosure of Chapter 13 Debtor's Attorney Compensation in Debtor's case states that pursuant to 11 U.S.C. § 329(a) and Fed. R. Bankr. P.2016(b), Counsel has agreed to accept all legal services required to confirm a plan (Emphasis added), subject to exclusions¹, including administrative services that may occur post-confirmation, a flat fee in the amount of \$4,750. Counsel certified that he understood that in the event additional services are performed and he seeks additional compensation, he must demonstrate the services were unforeseeable at the time of filing his disclosure statement.

Counsel now comes before the Court on an Application for Compensation requesting fees in the amount of \$804. These fees and costs are in addition to the "flat fee" of \$4,750. Counsel is billing a total amount 2.4 hours at \$335 per hour for reviewing, opposing, and settling a Motion for Relief as well as telephone calls with the Debtor regarding the Motion for Relief, and the preparation and filing of a Modified Chapter 13 Plan and Amended Schedules.

It is the Trustee's opinion that telephone calls with the Debtors, the drafting of a modified plan and amended Schedules are all legal services required to confirm a plan and fall under the "flat fee" of \$4,750.

¹ Counsel may seek additional fees pre-confirmation for representing Debtor in an adversary proceeding, loss mitigation/loan modification efforts, post-confirmation filings and matter brought before the Court.

Counsel also has not complied with 11 U.S.C. § 329(a) and Fed. R. Bankr. P.2016(b) and has not demonstrated how the additional services of reviewing, opposing and settling a Motion for Relief was unforeseeable and why it should be subject to supplemental counsel fees.

Based on the foregoing, the Trustee requests that the Application for Compensation be denied.

Respectfully submitted,

s/ Andrew B. Finberg

Andrew B. Finberg
Chapter 13 Standing Trustee

ABF/jpa

cc: Brad J. Sadek, Esquire (Via email & ECF/CM)
Dennis and Gretchen Jones (Via regular mail)